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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,584	12/05/2003	Marian Gavrilă	G&P1	7347
7590 Marian Gavrilă 535 Burleigh Private Ottawa, ON K1J 1J9 CANADA			EXAMINER GOINS, DAVETTA WOODS	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 06/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,584

Applicant(s)

GAVRILA ET AL.

Examiner

Davetta W. Goins

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-14, 16, 17, 19-22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Peeters (US Pat. 7,109,859 B2).

In reference to claims 1, 19, 25, Peeters discloses a) the claimed communication terminal for connection to a communication network, which is met by various networks may be used with the system such as GSM, CDMA, TDMA and GPRS or any other wireless links to an existing network such as the Internet, etc. (col. 6, lines 48-56), b) the claimed means for monitoring the environment and providing a sensor reading signal indicative of the level of an environmental agent, which is met by either electronic sensors alone or in combination for insertion into sensor module 16 built directly into a mobile phone or sensor array 282 for monitoring the external hazards, to be added to trucks, shipping containers, buses, etc. (col. 9, lines 19-43; col. 21, lines 1-31), and c) the claimed alarm mode controller for operating the communication terminal in an alarm mode according to the sensor reading signal, which is met microcontroller 284 including

stored reference values for sensor 282 and can be programmed to set alarms, which will then activate interface 294 for communicating the alarm message to various remote locations (col. 21, lines 8-67).

In reference to claims 2, 20, Peeters discloses the claimed power turn-on unit for permanently powering the means for monitoring, which is met by interface 294 may include an off/on miniature relay (col. 22, lines 36-50).

In reference to claims 4, 5, Peeters discloses a) the claimed memory for storing a threshold for indicating a hazardous level of the environmental agent and a comparator unit for receiving the sensor reading signal from the means for monitoring and the threshold from the memory and providing an alarm signal whenever the threshold is violated, which is met by microcontroller 284 is connected to sensor 282, the microcontroller 284 has stored reference values for sensor 282 and can be programmed to set alarms for certain threshold (col. 21, lines 7-17), and b) the claimed alarm driver for receiving the alarm signal and initiating an alarm mode of operation sequence, which is met by interface 294 is provided to receive a signal from unit 290 from a built-in alarm via connection 296 (col. 21, lines 8-41).

In reference to claim 6, Peeters discloses the alarm is one of an audio, video and mechanical alarm, which is met by external alarm 48 which could be a warning on the external display and/or an audible signal (col. 8, lines 11-24).

In reference to claim 7, Peeters discloses the claimed alarm driver triggers transmission of a distress signal by establishing an automatic connection over the network using the communication terminal on receipt of the alarm signal, which is met by external alarm 56 can be sent to a remote network to transmit an alarm condition with respect to hazardous condition exceeding a stored threshold value (col. 8, lines 48-67).

In reference to claim 8, Peeters discloses the claimed a smoke detector, a chemical agents detector, a radiation detector and a biological agent detector, which is met by sensor module 16, which may detect radiation (col. 9, lines 19-43).

In reference to claims 9, 10, Peeters discloses the claimed means for monitoring comprises a plurality of detectors, each for monitoring presence of a specific environmental agent, which is met by the sensor module may allow for multiple types of sensors to be used in the same device to detect the presence of a dirty bomb, an atomic weapon or source of nuclear materials (col. 8, lines 1-10; 9, lines 1-42).

In reference to claim 11, Peeters discloses the claimed means for monitoring is a digital sensor, which is met by sensor module 16 connected to microprocessor for interrogating the sensor module (col. 8, lines 11-24).

In reference to claim 12, Peeters discloses the claimed analog-to-digital converter for formatting the sensor reading into a digital sensor reading, which is met by an analog-digital to converter, which may be used as part of the necessary electronic components of the sensor array 282 (col. 21, lines 8-17).

In reference to claims 13, 14, Peeters discloses the claimed communication terminal comprises a communication functions control unit for generating the distress signal, and encoding the distress signal into an outgoing message using a communication protocol, and a transmitter for sending the message over the communication network to a specified location, which is met by an alarm signal is transmitted from the device containing the sensor array to a remote location . The transmission is done to a wireless network typically with the following information, ID, passcodes, gelocation coordinates, sensor module type and ID, hazards, etc. that may be encrypted (col. 8, lines 48-67).

In reference to claims 16, 17, Peeters discloses the claimed communication device is one of a cellular telephone, a fixed telephone, a cordless telephone, a pager and a fax machine, which is met by PDA or other device includes a keypad 306 for allowing easy input and output for dialing numbers and a message such as a fax or email may be transmitted from the device (col. 7, lines 6-29; col. 21, lines 32-67).

In reference to claim 21, Peeters discloses the claimed distress signal includes an identification of the communication terminal and an information on the present location of the communication terminal, which is met by an alarm signal is transmitted from the device containing the sensor array to a remote location . The transmission is done to a wireless network typically with the following information, ID, passcodes, geolocation coordinates, sensor module type and ID, hazards, etc. that may be encrypted (col. 8, lines 48-67).

In reference to claim 22, Peeters discloses the claimed indicating the gravity of the threshold violation, which is met by the system will allow for a first level alert and then a second level alert to determine whether there is a high level alert being confirmed to eliminate false positives (col. 19, lines 40-67; col. 20, lines 1-10).

In reference to claim 24, Peeters discloses the claimed method of receiving instructions over the communication network regarding immediate protective measures for minimizing the effects of the hazardous agent, which is met by software may be included in the mobile phone to give the user emergency voice or screen instructions as well as dial-in options. The user can judge for him or herself if the truck looks suspicious and give a detailed description of the truck, location and driver to the police. If swappable sensor modules are used, individual modules may include the software with the instructions to the user and/or the network (col. 18, lines 52-67; col. 19, lines 1-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 18, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peeters in view of Cephus (US Pat. 5,132,968).

In reference to claims 3, 23, although Peeters does not specifically disclose the power on/off switch for turning the power to the system 'on' and a power turn-on unit for operating the alarm mode controller in a sleep power mode whenever the on/off switch is 'off', he does disclose an interface 294 may include an off/on miniature relay (col. 22, lines 36-50). Cephus discloses a system 10 in which a group of sensors are connected to a microcontroller/multiplex system 48. The system includes a transceiver system 52 in which the a coded signal may be transmitted and received by the system 10 to read the sensors, turn the sensor 36 on or off, or accept data from the sensors (col. 3, lines 30-47; col. 4, lines 1-27). Since both Peeters and Cephus disclose devices that include environmental sensors, the devices capable of transmitting and receiving signals remotely, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of transmitting a sleep mode

until being activated wirelessly, as disclosed by Cephus, with the system of Peeters, as a well known method of conserving power for the system.

In reference to claims 18, 26, although Peeters does not specifically disclose the claimed means for monitoring comprises a plurality of sensors (Sn) and a multiplexer for extending the input/output capabilities while using a single input of the alarm mode controller, he does disclose a microcontroller 284 includes necessary electronic components to determine whether a hazard exists based on pre-programmed threshold levels and from the sensors of sensor array 282 (col. 21, lines 8-17).

Cephus discloses a system 10 including a plurality of sensors 20 through 46. A microcontroller/multiplexer system 48 connected to the sensors (col. 5, lines 22-33). Since Peeters discloses an sensor array with the necessary circuitry for determining an existence of a hazard, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of a multiplexer, as disclosed by Cephus, with the system of Peeters to receive multiple inputs, aligns and formats the data.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peeters.

In reference to claim 15, although Peeters does not specifically disclose the claimed communication terminal further comprises a keyboard for enabling transmission of alphanumeric messages over the network and a display for enabling reception of video

messages over the network, he does disclose that device for sensing the hazards may be a PDA carried by individuals. The PDA or other device includes a keypad 306 for allowing easy input and output for dialing numbers and a message such as a fax or email may be transmitted from the device (col. 7, lines 6-29; col. 21, lines 32-67). Since Peeters discloses that a PDA may be used to communicate information to a remote location, it would have been obvious to one of ordinary skill in the art at the time of the invention that the PDA would have the capability of transmitting alphanumeric messages as well as receiving video messages as a way of enhancing communication.

6. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Baxter, Jr. (US Pat. 6,023,223), MacFarlane (US Pat. 6,697,645 B1), Lemelson et al. (US Pat. 6,873,256 B2), Beckert et al. (US Pat. 6,948,653 B2), Frank (US Pat. 7,005,982 B1), Parkulo et al. (US Pat. 7,377,835 B2) and Petite (US Pat. 7,424,527 B2), which disclose systems that detect hazardous conditions within an environment.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Davetta W. Goins/
Primary Examiner
Art Unit 2612